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ZON03-00067



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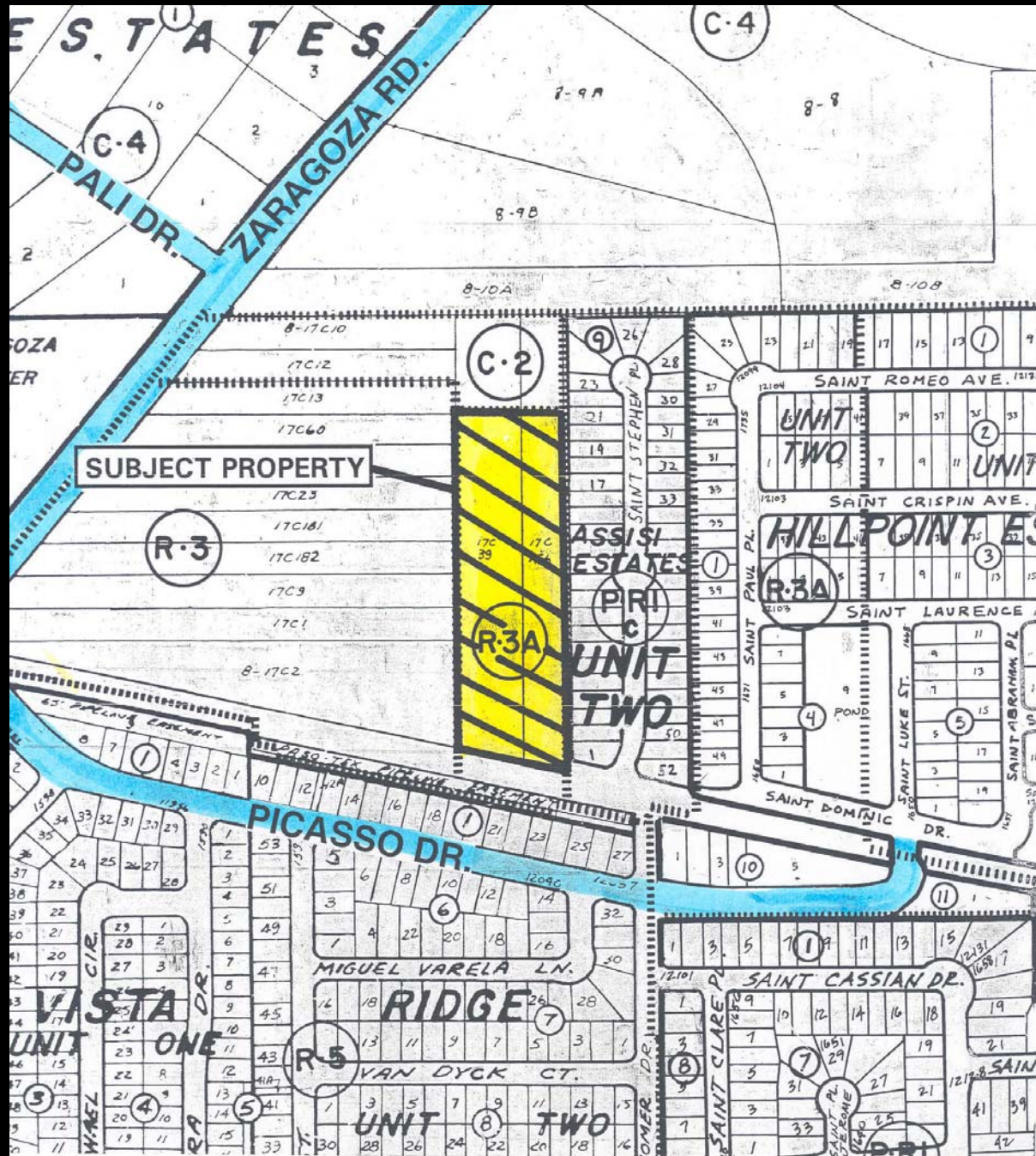


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ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00067, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACTS 17C39 AND 17C156, BLOCK 79, SECTION 8, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **Tropicana Homes Inc.** has applied for a Special Permit under Section 20.12.040 of the El Paso Municipal Code, to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an **R-3A (Residential)** District:

A portion of Tracts 17C39 and 17C156, Block 79, Section 8, Township 3, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A"; and

2. That a planned residential development is authorized by Special Permit in **R-3A (Residential)** districts under Section 20.12.040 of the El Paso Municipal Code; and

3. That the requirements for a planned residential development under Section 20.12.040 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.12.040 of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the **R-3A (Residential)** district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON03-00067** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this **23rd** day of **March, 2004**.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

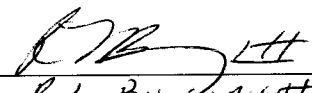
Fred Lopez, Zoning Coordinator
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

AGREEMENT

Tropicana Homes Inc., the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the **R-3A (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 24th day of February, 2004.


By: 
R.L. Bowditch III PRESIDENT
(name/title)

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 2 day of _____, 2004, by R.L. Bowditch III as President, on behalf of **Tropicana Homes Inc.**, as Applicant.

My Commission Expires:


Notary Public, State of Texas
Notary's Printed or Typed Name:

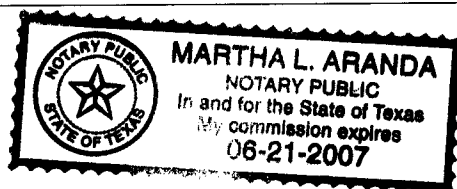
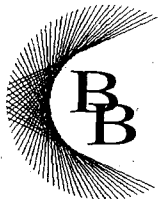


Exhibit "A"



BROCK & BUSTILLOS INC.

CONSULTING ENGINEERS
LAND SURVEYORS
(formerly Faught & Associates)

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Executive Vice President

OSCAR V. PEREZ
Vice President

ISAAC CAMACHO, P.E., R.P.L.S.
Survey Manager

March 5, 2004

LEGAL DESCRIPTION OF A 4.8300 ACRE PARCEL

A parcel of land situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Tracts 17C39 and 17C156, Section 8, Block 79, Township 3, Texas and Pacific Railway Company Surveys and being more particularly described as follows, to wit:

BEGINNING at the intersection of the north right-of-way line of a sixty (60) feet wide road, as filed in Volume 1500, Page 908 of the Real Property Records of El Paso County, and the west boundary line of Assisi Estates Unit Two, as filed in Volume 74, Page 55 of the Plat Records of El Paso County, for the southeast corner of the tract herein described, identical to the southwest corner of said Assisi Estates Unit Two, and whence a city monument found at the centerline intersection of Saint Stephen Place and Saint Dominic Drive bears **South 75°09'02" East, 109.98 feet**;

THENCE, leaving the west boundary line of Assisi Estates Unit Two and following the north right-of-way line of said sixty (60) feet wide road, **North 78°01'00" West, 263.69 feet** to the west boundary line of said Tract 17C39 for the southwest corner of the tract herein described;


THENCE, leaving the north right-of-way line of said sixty (60) feet wide road and following the west boundary line of said Tract 17C39, **North 00°37'42" West, 790.25 feet** to the northwest corner of the tract herein described;

THENCE, leaving the west boundary line of said Tract 17C39, **South 90°00'00" East, 257.34 feet** to the west boundary line of Assisi Estates Unit Two for the northeast corner of the tract herein described;

THENCE, following the west boundary line of Assisi Estates Unit Two, **South 00°37'42" East, 845.00 feet** to the **POINT OF BEGINNING**;

Said tract containing **4.8300 acres**, more or less, and being subject to easements of record.

I hereby certify that this description was prepared by me or under my supervision.


Isaac Camacho, TXRPLS No. 5337-
6425-38A

